IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.10740 OF 2004

Rafique Jamal Ghachi ...Petitioner.

Versus

The Conservator of Forest & Ors. ...Respondents.

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Mr. Ganesh Gole for the Petitioner.

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CORAM : DR. D.Y. CHANDRACHUD, J.

May 5, 2005.

P.C.:

The Petitioner has challenged in these proceedings, an order dated 24th September 2004, passed by the Range Forest Officer, Jawhar (protection). On 10th May 2004, the Petitioner had moved the Deputy Conservator of Forests for seeking permission to debark Khair wood. It has been stated in the petition that on 1st June 2004, permission was granted until 31st May 2005. The

impugned order has been passed on 24th September 2004, by which the permission has been "cancelled until further orders".

2. A detailed affidavit in reply has been filed by the Assistant Conservator of Forest, Wada, Jawhar Forests Division. In the affidavit it has been stated that the Thane Forest Circle comprises of six Forest Divisions. Jawhar Forest Division comprises of six Talukas and the area of the Division is approximately 2272 sq. km. The forest area comprises almost 40% of the geographical area. Khair wood is stated to be a major valuable species which exists in the forest areas of the aforesaid Division. Debarked wood is utilised for manufacturing Katha which is in turn used in manufacturing Gutka. It has been stated that anti social elements are given to cutting Khair trees from private areas as well as from Government forests. Earlier, to control illicit cutting and transport no permission for debarking was given to applicants in Jawhar Division. However, permission was given for debarking Khair wood to the Petitioner. It has been stated in the affidavit that in July/August 2004, two vehicles were seized under Section 52 of

the Indian Forest Act, 1927, while carrying illicit cut and debarked Khair wood from a Government forest area. Similarly, during the month of August/September 2004, it was found that illicitly debarked wood was transported to Dastan Depot at Sinnar in large quantities. An investigation has been made and a report is stated to have been submitted by the Deputy Conservator of Forests to the Chief Conservator for seeking temporary stay for debarking the Khair wood at Dastan Depot, Jawhar. The Chief Conservator granted a temporary stay on 14th September 2004. In view of the order of the Chief Conservator, the Deputy Conservator issued further orders to the Range Forest Officer on 16th September 2004. In the affidavit it has been clarified that the permission of the Petitioner has not been cancelled but what was done was to grant a temporary stay or suspension pending further investigation.

3. Having regard to the contents of the affidavit in reply, I am of the view that no case for interference has been made out. The order which has been passed is manifestly in public interest. Rules of natural justice, it is settled, can stand excluded when

urgent action is required to protect the public interest. There is no merit in the Petition which is accordingly rejected.

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